

USDC SCAN INDEX SHEET



ECHEVERRIA

LINDLEY

DB

3:96-CV-01941

1

CMP.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FILED

NOV 12 1996

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]*

SERGIO ECHEVERRIA J 32695
(Enter above the full name of the
plaintiff in this aciton.)

v.

STEVE LINDLEY
WILLIAM WEGNER
LEVY HART
STEVENSON
(Enter above the full name of the
defendant or defendants in this
action.)

'961941 H AJB

Complaint Under the
Civil Rights Act, 42 U.S.C. §1983

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes [] No [☒]
- B. If your answer to A is yes, describe the lawsuit in the space below. [If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.]

1. Parties to this previous lawsuit

Plaintiffs N/A

Defendants _____

2. Court [if federal court, name the district;
if state court, name the county]

3. Docket number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition [for example: Was the case dismissed? Was it
appealed? Is it still pending?]

N/A

OR/K...

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6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. Place of Present Confinement SALINAS VALLEY STATE PRISON P.O. BOX 1050

- A. Is there a prisoner grievance procedure in this institution? SOLEDAD, CA 91950
Yes [] No [☒]
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes [] No [☒]
- C. If your answer is YES,
1. What steps did you take? N/A
2. What was the result? N/A
- D. If your answer is NO, explain why not I WAS TOLD NOT TO BY A DOCTOR
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes [☒] No []
- F. If your answer is YES,
1. What steps did you take? I TOLD THE MEDICAL STAFF
2. What was the result? THEY JUST WROTE IT DOWN

III. Parties

[In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.]

- A. Name of Plaintiff SERGIO ECHEVERRIA # J-32595
Address P.O. BOX 1050 SOLEDAD, CA 91950

[In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment for additional defendants, if any.]

- B. Defendant STEVE LINDLEY #340 is employed as A NATIONAL CITY
POLICE OFFICER at 1200 NATIONAL CITY BLVD. NATIONAL CITY, CA 91950
- C. Additional Defendants WILLIAM WEGENER #942 POLICE OFFICER 1200 NATIONAL CITY
BLVD. NATIONAL CITY, CA 91950. LEVY HART #354 N.C. POLICE OFFICER 1200 NATIONAL
CITY BLVD. NATIONAL CITY, CA 91950. N.C. POLICE OFFICER STEVENSON 1200 NATIONAL
CITY BLVD. NATIONAL CITY CA 91950.

IV. Statement of Claim

[State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.]

NATIONAL CITY POLICE OFFICERS LINDLEY AND STEVENSON TACKLED ME TO THE FLOOR,
WHILE I WAS ON THE FLOOR STEVENSON WAS ON TOP OF ME AND LINDLEY
HAD HIS FOOT ON THE BACK OF MY HEAD. OFFICERS LINDLEY AND HART
BEAT ON MY LEGS AND BODY WHILE I WAS HANDCUFFED. OFFICER WEGENER
AND HART THEN DRAGGED ME TO THEIR CAR AND THREW ME IN THE BACK SEAT.
THEY INJURED MY LEGS AND BACK

V. Relief

[State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.]

I WANT THE COURT TO DISCIPLINE THE OFFICERS AND I WANT THEM
TO PAY FOR MY NEEDED OPERATION ON MY LEGS. I ALSO WANT TO
BE COMPENSATED FOR MY PAIN AND SUFFERING.

Signed this 6 day of NOV., 1996.

Sergio Echeverria
[Signature of Plaintiff]

I declare under penalty of perjury that the foregoing is true and correct.

NOV. 6, 1996
[Date]

Sergio Echeverria
[Signature of Plaintiff]

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Sergio Echeverria

DEFENDANTS

Steve Lindley

FILE

NOV 12 1996

JB

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sergio Echeverria J 32595
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 91950

ATTORNEYS (IF KNOWN)

'961941

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF DEF
Citizen of This State ☐ 1 ☐ 1
Citizen of Another State ☐ 2 ☐ 2
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3

PTF DEF
Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Foreign Nation ☐ 6 ☐ 6

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

42 U.S.C. § 1983

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

☒ Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/12/96

SIGNATURE OF ATTORNEY OF RECORD

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UNITED STATES DISTRICT COURT